

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

TYLER JOHNSON,)	
)	
Plaintiff,)	
)	
v.)	No. 4:23-CV-1070-JAR
)	
COLGATE-PALMOLIVE CO.,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on the motion of Missouri inmate Tyler Johnson, registration number 1093884, for leave to commence this civil action without prepayment of the filing fee. The motion will be denied, and this case will be dismissed without prejudice to the filing of a fully paid complaint.

Johnson is a prisoner who, while incarcerated, has filed at least three civil actions that were dismissed on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted.¹ The Prison Litigation Reform Act of 1996 provides, in relevant part:

In no event shall a prisoner bring a civil action ... under this section if the prisoner has, on three or more prior occasions, while incarcerated or detained in any facility, brought an action ... in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). Therefore, Johnson may proceed in forma pauperis in this action only if he “is under imminent danger of serious physical injury.” *Id.*

¹ See *Johnson v. St. Louis City Justice Center*, No. 4:07-CV-669-FRB (E.D. Mo. Aug. 10, 2007); *Johnson v. Correctional Medical Services*, No. 4:07-CV-2055-TIA (E.D. Mo. Jan. 29, 2008); and *Johnson v. Seymour*, No. 4:07-CV-325-CAS (E.D. Mo. Jan. 31, 2008).

In the complaint, Johnson claims Colgate-Palmolive Co. engaged in deceptive trade practices and other wrongdoing in connection with deodorant and whitening products. Johnson claims “he has had thousands of dollars[’] worth of clothing destroyed by and through Colgate-Palmolive Company’s deceptive unfair trade practices pertinent to Speedstick use leaving yellow stains” on his clothing. (ECF No. 1 at 2). He seeks \$2.8 million in damages.

Johnson’s allegations do not establish that he is under imminent danger of serious physical injury. He therefore may not proceed in forma pauperis in this action. As a result, the Court will deny Johnson’s motion for leave to proceed in forma pauperis and will dismiss this case without prejudice to the filing of a fully paid complaint.


Accordingly,

IT IS HEREBY ORDERED that Johnson’s motion for leave to proceed in forma pauperis (ECF No. 2) is **DENIED**.

IT IS FURTHER ORDERED that this case is **DISMISSED** without prejudice to the filing of a fully paid complaint. A separate order of dismissal will be entered herewith.

IT IS FURTHER ORDERED that Johnson’s Motion to Appoint Counsel (ECF No. 4) is **DENIED** as moot.

Dated this 25th day of August, 2023.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE